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In re Application of
Kevin Surace et al.
Application No. 09/924,420
Filed: August 7, 2001
Attorney Docket No. M-5273-2C US

OFFICE OF PETITIONS
DECISION GRANTING PETITION

This is a decision on the petition filed under 37 CFR 1.53, in response to the "Notice of Omitted Items" mailed September 20, 2001.

The instant application was filed August 7, 2001 and a filing date was accorded. However, according to the Notice of Omitted Items, the application papers submitted did not include pages 80-99, 102, 103 and 109 of the specification.

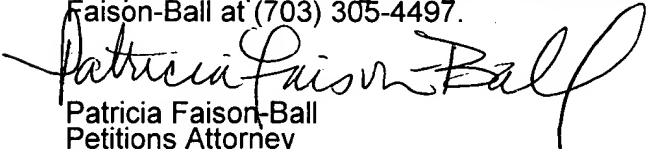
Petitioner has provided a postcard receipt which itemizes the contents of the original application packet. The postcard receipt was date stamped by the USPTO on August 7, 2001 and acknowledges, inter alia, the number of pages included in the original application to be 113 (79 pages specification, 24 pages of Appendices A & B, 27 pages claims, 1 page Abstract).

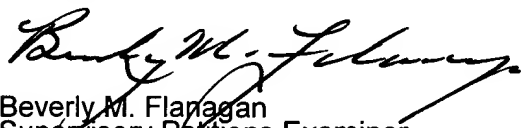
Petitioners' postcard receipt does not properly identify the total number of pages of specification and appendix filed on August 7, 2001. The receipt lists 113 pages, but the file contains 130 pages of specification and appendix. However, petitioners' postcard receipt does identify the total number of pages of claims as 27 and only 26 pages are present in the file. Accordingly, it is concluded that page 109 was filed on August 7, 2001, and subsequently misplaced in the USPTO.

Accordingly, the petition is **GRANTED**.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of August 7, 2001, using the application papers received in the Office on that date and the specification resubmitted on petition filed November 15, 2001. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Patricia Faison-Ball at (703) 305-4497.


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